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MYS PALACE PAPER.

KARNATAKA BACKWARD CLASSES COMMISSION

R E P O R T

Recommendations

(Summary)

1. REMOVAL OF DISTINCTION BETWEEN FUNDAMENTAL RIGHTS AND THE DIRECTIVES

Parliament has come to amend certain articles in the Fundamental Rights Chapter of the Constitution without removing the distinction between the fundamental rights and the directives. In our opinion, the sovereign remedy for removing social distinctions and educational and economic disparities is to amend the Constitution in such a way that the fundamental rights and the directives are placed on the same footing. This could be done by deleting or suitably amending Article 37 of the Constitution which presently makes the fundamental duties of the State unenforceable through Courts. If this is not done soon, the vested interests may have to face a violent revolution. The starving masses and the naked millions are so impatient that they cannot, and will not, wait any longer to secure the achievement of their minimum necessities. The masses want to be freed in the positive sense from the centuries of coercion and oppression. They cannot bear with the social conditions that have prevented them from fulfilling their best selves. (Page 162)

2. EFFECTIVE ENFORCEMENT OF FREE AND COMPULSORY PRIMARY EDUCATION.

Irregular attendance, repeating and dropping out represent a huge wastage of resources. The Karnataka Compulsory Primary Education Act of 1961 is not enforced fully and effectively. Studies to measure the number of drop-outs and repeaters from different castes have not been made. (Page 198)

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3. TRAINING THE TEACHERS -- IMPROVING TEACHER TRAINING SCHOOLS -- INCREASING SALARIES TO TEACHERS

Many of the teachers are not well trained in the real sense of the word, and many of those who are 'trained' tend to be concentrated in the cities. The salaries of teachers in primary schools are low. There is an urgent need for improvement of the Teacher Training Schools, while at the same time raising the economic status of the teachers in primary schools to attract the talented young people to enter the profession. (Page 199)

4. EQUALIZATION OF INCOME BETWEEN MANUAL AND NON-MANUAL LABOUR -- EQUALIZATION OF EDUCATIONAL FACILITIES BETWEEN RURAL AND URBAN CLASSES

The occupational structure has given rise to superior andinferior social statutes in terms of social worth. Efforts should be made for the increase of general cultural and educational levels of all classes of people. The position of the rural people and the manual labourers should be improved by providing more facilities in education and by equalising the income (Page 289)

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5. CAUSES FOR SOCIAL AND EDUCATIONAL BACKWARDNESS

There is no provision in the Constitution for bringing a legislation abolishing caste system. The secular characteristic of our Constitution consists in the non-interference by the State in the Hindu caste system. Spirit of casteism pervades everywhere, and the President's Backward Classes Commission had found casteism everywhere. After noticing the preponderance of some castes in Government services it said 'the administrative machinery of the Governments - Central and State - should be cleansed completely of the spirit of casteism andits undesirable features'. (Page 313)

Our Commission undertook tours in the State, and visited many caste and communal organisations and institutions. The activities of those organisations and institutions were confined to members of particular castes and communities. Educational hostels are meant only for students of their respective communities. Even the charitable institutions were serving their respective communities only. Such institutions are located mostly in the urban areas. They were interested in the economic activity of their communities. (Page 313)

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On the basis of the data collected in the course of the socio-economic survey, the statistics on educational attainment at the high school level, the evidence of hundreds of witnesses, supported by our impressions gained through personal observation, we have come to the conclusion that, broadly, the following factors have contributed to the social and educational backwardness of castes and communities specified by us in Statements 7, 8 and 9 of Volume II. (Consolidated Statement is at 6).

(i) The majority of the people belonging to castes and communities specified by us are residing in rural, isolated and segregated areas.

(ii) Their economic condition is so poor that the majority of the castes and communities are incapable of owning land, house orother property.

(iii) Occupations in which they are engaged are very unremunerative, and they do not get adequate return for their labour. Their occupations are considered unclean or inferior, and therefore low.

(iv) People of the advanced castes and communities entertain prejudice against them.

(v) Low statusor inferiority associated with their castes makes it difficult for members of the backward classes to have access to places of cultural training, or to have religious andsecular education.

(vi) Many of the castes and communities have been segregated from the advanced communities due to social taboos against inter-dining and inter-marriage, and against similar opportunitiesof association.

(vii) Backward Classes are being prevented from enjoying status in society due to the age-old social customs.

(viii) Due to their habitation in rural areas and segreated and isolated places, their economic poverty, their inferior and unremunerative occupations, unhealthy conditions in which they are living, absence of contact with the advanced communities and prejudice in the minds of advanced communities, backward classes have developed apathy for education. The absence of adequate number of educational institutions in rural areas has also contributed to their educational backwardness.

CONTINUED

(ix) There are no residential hostel facilities for the members of the backward classes either in rural areas or in urban centres. They do not have resources to open educational institutions and provide hostel facilities to the members of their own castes and communities, as is done by the advanced communities.

(x) Government also has not cared hitherto to open required number of schools, high schools, colleges and free hostels in the rural areas to encourage students belonging to the backward classes.

(xi) Government policy of sanctioning larger number of high schools and colleges to private agencies to meet the increasing demand made by the advanced communities has aggravated educational disparities between the advanced castes andbackward castes.

(xii) The method of selection of students at every level for promotion to the higher standard and course of study on the so called theory of merit has cut at the root the sources supplying students belonging to the backward classes. This rejection of students belonging to backward castes and communities has acted as a damper on those communities to pursue further studies.

(xiii) Occupational, environmental and economic conditions have resulted in many drop-outs from the backward castes and communities, and they have also contributed to the stagnation of students.

(xiv) The non-cooperative and discouraging attitude of some of the educational institutions founded and managed by certain castes and communities has not helped the educational advancement of backward castes and communities.

(xv) The present system of education has not at all helped the backward castes and communities.

(xvi) The scheme of compulsory primary education has not attracted and enrolled proportionate number of students between the age group of 6 and 14 from the backward castes and communities.

Note:-

We have not adopted the traditional approach of treating a class as socially and educationally backward on the ground of its inadequate or absence of representation in State Services. In our opinion, the inadequate or absence of representation is the result of its social and educational backwardness, and not the cause.

(Page 315)

6. S.S.L.C. PASS ADOPTED AS THE LEVEL FOR DECIDING EDUCATIONAL BACKWARDNESS

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Census authorities do not collect literacy percentage of any caste or community. Even so, judiciary has disapproved of taking literacy stage as the basis for determining the educational backwardness of castes and communities. (Page 315).

Some witnesses suggested to the Commission that for assessing the educational backwardness or otherwise of castes and communities the level should be University graduation at the first degree. Some suggested the level at the pre-University course, and all the remaining witnesses suggested that pass in S.S.L.C. examination should be the proper level at which the Commission could decide the real backwardness in education. (Page 315)

In 1955, when the Free and Compulsory Primary Education scheme conceived of by Article 45 was not yet introduced, the President-appointed Commission suggested that atleast the elementary stage of education should be the criterion for deciding educational backwardness. Now that compulsory and free education at the primary level is introduced, and large number of drop-outs is from the backward castes and communities, who later lapse into illiteracy, the proper level is pass in the S.S.L.C. Examination. For entry into Government service of the last grade in the non-Gazetted cadres, and for admission to various courses of study preparatory to University degree the minimum qualifying examination required is a pass in the S.S.L.C. examination, Therefore, the commission took the stage of S.S.L.C. examination for determining educational backwardness. (Page 315).

The State average of students passing S.S.L.C. Examination

in April 1972 is 1.69 per thousand of State population. The Commission decided that a caste or community whose student average per thousand of its population passing at the April 1972 S.S.L.C. Examination is below State average should be treated as 'educationally backward'. After satisfying ourselves about their social backwardness, by applying the multiple tests, castes and communities are categorised into three groups. (Page 315).

The said three categories whose student population is below the State average are:-

(i) Backward Communities (whose student average per thousand of population is below State average, but above 50 percent of the State average) - Statement-7 Vol.II.

(ii) Backward castes, (whose student average per thousand of population is below 50 percent of the State average) - Statement-8, Vol.II.

(iii) Backward Tribes, (whose student average is below 50 percent of State average, except Dombars and Voddars, and who are Nomadic and Denotified Tribes) - Statement-9, Vol.II.

7. POPULATION OF OTHER BACKWARD CLASSES UNDER ART. 15(A) IS ABOUT 44.50% AND POPULATION OF OTHER BACKWARD CLASSES UNDER ART. 15(4) IS ABOUT 41.50%

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The population of the Backward Communities, Backward Castes and Backward Tribes together comes to about 45 percent of the State population. Although the Mysore High Court in Viswanatha case AIR 1964 Mysore 132) said that the majority population in our State was backward, we are

are constrained to confine the population of Other Backward Classes to only 44.52 because of the application of the educational test suggested by the judiciary.

(Page 316).

Other Backward Classes under Article 15(4) need not necessarily be the backward classes under Article 16(4). In other words, for benefit of reservation under Article 16(4) a class of citizens should first satisfy the requirements of Article 15(4) as respects its social and educational backwardness. If a class of citizens is socially and educationally backward under Article 15(4) and does not have representation adequate to its population, it could be specified as a socially and educationally backward class not adequately represented in the services. Applying this rule the Commission prepared a list of socially and educationally backward classes not adequately represented in services for purposes of Article 16(4). Some of the communities which came to be treated by us as socially and educationally backward classes under Article 15(4) came to be excluded while preparing the list under Article 16(4), The reason being their having adequate representation in services. The lists of Other Backward Classes for purpose of Article 16(4) are in Volume III.

(Page 316).

8. EXTENT OF RESERVATION IS ONLY 32%

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From the year 1962 admissions to technical colleges and recruitment to Government services have been made on the basis of occupation-cum-economic poverty of an individual, irrespective of the candidates caste and

and community, and advantages have been taken by those who do not belong to the backward castes and tribes. We would have recommended for reservation of seats in technical Schools and Colleges and of posts in Government services to the extent of 75% for those three categories, but under fear of such reservation being considered excessive by the judiciary, we confine, here again, to the reservation of minority seats and posts. The problem of backward classes in Karnataka is something extraordinary, because of the denial of the benefits all those years, and we recommended to the Government to make reservation to the Other Backward Classes under Article 15(4) read with Article 29(2) to the extent of 32 percent and also under Article 16(4) to the extent of 42 percent. This quantum of reservation to the population of about 45 percent is not excessive; on the contrary it is far less than their proportion to the State population.

(Pages 31

Justice P.B.Gajendragadkar of the Supreme Court who suggested the limit of 50 percent reservation in Balaji case later said, as Chairman of the Jammu

Jammu and Kashmir Commission of Inquiry, that ordinarily the limit of reservation should be below 50 percent. In other words, if extraordinary circumstances prevail in any State, reservation could exceed 50 percent. Justice Fazal Ali, Judge of the Supreme Court, suggested 80 percent reservation being permissible in C.A. No.1160/1974, dated 19th September, 1975. Even sok we do not propose reservation beyond 50 percent including the reservation already made for Scheduled Castes / Tribes.

(Page 317).

The quota of 32 percent to the Other Backward Classes under Article 15(4) is allotted in the following order:-

	Percentage of population.	Quota of Allotment
(i) Backward Communities ...	22.03	16%
(ii) Backward Castes ...	14.49	10%
(iii) Backward Tribes ...	8.00	6%

The quota of 32 percent to the Other Backward Classes in Government services under Article 15(4) shall be as under:-

	Percentage of population.	Quota of allotment
(i) Backward Communities. ...	19.20	16%
(ii) Backward Castes ...	14.47	10%
(iii) Backward Tribes. ...	8.00	6%

(Page 317).

9. SELECTION/RECRUITMENT COMMITTEES TO BE REPRESENTATIVE IN CHARACTER.

...

Selection Committees should necessarily consist of representatives of the said three categ ories of backward classes in the way in which Scheduled Castes and Scheduled Tribes have been represented on such Selection committees.

(P.317-18)

10. METHOD OF FILLING THE RESERVED QUOTAS.

...

If seats/posts remain unfilled in the quota allotted to Backward Tribes, they should be made over to Backward Communities and Backward Castes. Similarly, if seats/posts remain unfilled intthe quota allotted to Backward Castes, they should be made over to Backward Communities and Backward Tribes. If, however, seats/posts remain unfilled in the quota allotted to any of those three categories they should be made over to Scheduled Castes and Scheduled Tribes. In the event of seats/posts remaining unfilled by any of those categories they should be transferred to the 'general pool'.

(Page 317)

11. CANDIDATES SELECTED IN MERIT POOL SHOULD NOT BE COUNTED AGAINST THE RESERVED QUOTA.

...

The counting of the candidates selected exclusively on the ground of their merit against the reserved quota is against the interests of the backward classes. So, we suggested that candidates selected in the merit pool should not be counted against the quota reserved for their category.

(P.211)

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12. MODE OF SELECTION - CIVIL SERVICES TO BE A REPRESENTATIVE INSTITUTION - IMPORTANCE OF INTERVIEW/VIVA-VOCE TEST.

...

An interview, to become an important and integral part of open competition, must be allotted marks equal in number to the marks prescribed for the written examination or the qualifying examination. The merit of a candidate can be assessed better by his alertness, intelligence, intellectual outlook, his presence of mind and nervous equipise. Quantum of marks at the interview/viva voce plays a significant part in remedying the deficiencies of the candidates coming from the rural areas, and the peasant, artisan and low castes who do not have adequate opportunities to prove their 'talents' at the written examination. Better performance at the University of qualifying written examination is due to urban biased education. The present system of open competition has tended to deprive the backward communities, drawn mostly from the rural parts, of their adequate share in the administration, and the administration is not representative of society at large.

(Page 212-13).

13. IMPORTANCE OF INTERVIEW/VIVA-VOCE TEST - QUANTUM OF MARKS AT THE INTERVIEW - METHOD OF SELECTION.

...

Interview test and viva-voce examination to assess the personality of candidates for admission to technical courses of study or entry into Government service are as important as is the written examination intended to assess their ada-demic attainment. Interview or viva-voce test should not be subordinated to the written examination, or its importance

contd..

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minimised by prescribing less number of marks. Marks at the interview/viva-voce should be equal to the maximum marks prescribed for the qualifying written examination. The method of first sorting out the applications on the basis of the percentage of marks secured at the written examination, and not inviting for interview/viva-voce test those who have secured marks below a certain level, is arbitrary. It has the effect of rejecting meritted candidates for interview/viva-voce test where they could have shown their aptitude for the course of study or their ability for a particular type of job, as the case may. We suggest the following method:

All applicants for admission to technical courses of study or for appointments should ~~first~~ be called for interview test/viva-voce examination, and selection made for written examination on the basis of their performance judged by the marks secured at the interview/viva-voce.

(Page 318).

List of students/candidates in order of merit should be prepared, and students/candidates four times the number of seats available for admission or four times the vacancies available for filling, should be selected for written test.

(Page 318).

14. MAKING OF RULES UNDER ARTICLE 320(4) TO GIVE EFFECT TO ARTICLE 16(4) AND 335.

...

The absence of rules and regulations under clause 4 of Article 320 has subjected the members of the backward classes to an unreasonable and extravagant tests of recruitment, and so,

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we hereby recommend that necessary rules and regulations be made by the Governor under Article 320(4).

(Page 212).

15. LEGISLATIVE ENACTMENTS UNDER ARTICLE 309 AND 229 REGULATING RECRUITMENT AND CONDITIONS OF SERVICE, ETC.

...

The long delay on the part of the State Legislature to make a law under Article 309 regulating recruitment and conditions of persons serving under the State, amounting to abdication of the legislative power, has resulted in arbitra riness in ~~the matter~~ of recruitment, and similarly the absence of legislative enactment under Article 229 regulating the conditions of service of officers and staff on the High Court Establishment also amounts to the legislature abdicating its powers. We, therefore, recommend that the State Legislature should make laws under Articles 309 and 229.

(Page 211-12)

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13. AMENDMENT OF RULE 285 K.C.S.R.

We received a number of representations from Government servants belonging, perhaps to the Backward Classes, Scheduled Castes and Scheduled Tribes complaining against the method of recording remarks in the confidential reports and the method of exercising the power under the Rule 285 of the Karnataka Civil Service Rules. Their complaint was that the higher posts are almost monopolised by the advanced classes and some of those officers and heads of departments are misusing the power given to them by confidentially recording adverse remarks against the members of the backward classes in the 'Confidential Records' and in compulsorily retiring them under Rule 285, K.C.S.R. Their complaint was that either while recording the adverse remarks in the Confidential Records or in retiring them under Rule 285, K.C.S.R., no opportunity is required to be given. Their further complaint was, the vesting of such arbitrary powers is in violation of the principles of natural justice. We consider that in the present circumstances and the structure of the administration, vesting of such arbitrary powers must have given scope for their misuse. Even so, those provisions are outrageously violating the principles of natural justice. We, therefore, recommend that before recording adverse remarks in the Confidential Reports, opportunity should be given to the concerned official, and a further opportunity of appeal. Similarly, while retiring an officer compulsorily under Rule 285, K.C.S.R., an opportunity of notice and hearing be provided. Rules in that regard be suitably amended.

(Page 212).

17. Article 16(4) - RESERVATIONS TO SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES IN PROMOTIONAL VACANCIES ETC.

Of the many, the two important modes of recruitment are 'direct recruitment' and 'recruitment by promotion'. All the published recruitment rules of the Government Departments made under Article 309 show that unreasonably large number of posts are to be filled by promotion and relatively less number of posts are to be filled by direct recruitment. Even a casual glance at the Rules shows that about 50 per cent of the posts are to be filled by promotion (excluding Class IV which have got to be filled necessarily by direct recruitment and the posts of heads of departments and Secretaries to Government which are to be filled necessarily by promotion) and the remaining 50 per cent by direct recruitment. Higher the grade, greater is the quota to be filled by promotion. Although reservation has been made under Article 16(4), it is only in the categories of posts to be filled by the method of direct recruitment. Reservation of 15 per cent to Scheduled Castes out of the posts filled by direct recruitment in reality amounts to reservation of only 7½ per cent to Scheduled Castes out of the posts filled by direct recruitment in reality amounts to reservation of only 7½ per cent in the total strength. If reservation in only the direct recruitment quota is confined, Scheduled Castes and Scheduled Tribes can never hope to achieve adequacy even if reservation is to continue for 100 years. In truth, the quantum that is reserved for them is only half of what they adequately deserve. In any method of recruitment, whether by direct recruitment, or by selection, or by promotion, reservation should be made at all levels and in all departments, wherever inadequacy is noticed.

(Page 210)

We suggest that adequate reservation for the three categories of backward classes proportionate to their population be made not only in the quota to be filled by direct recruitment but also in the quota to be filled by promotion or selection.

18. AGE RELAXATION FOR ENTRY INTO SERVICE AND EXTENTION OF AGE OF SUPERANNUATION BY 5 YEARS IN THE CASE OF SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES.

Age limit for direct recruitment should be relaxed by 5 years in the case of Backward Classes also. And the age of superannuation in the case of Backward Classes, Scheduled Castes and Scheduled Tribes should be postponed by 5 years. The reasons are at least two. One, the age of entry of members of Backward Classes Scheduled Castes and Scheduled Tribes at the primary level of schooling is delayed, and stagnation in their educational career is a general feature. So, many of the candidates belonging to Backward Classes, Scheduled Castes and Scheduled Tribes are eliminated from even taking their chance at the recruitment examination on the sole ground of age disqualification. Those, however, who are recruited, are on the verge of crossing the prescribed age limit, and so they will have to serve for lesser period with less or no chances of promotion. Seniority in a particular grade being one of the criteria for promotion, the members of the Backward Classes, Scheduled Castes and Scheduled Tribes will have no chance, or less chance, of promotion, before they reach the age of superannuation, which is the same for all. We, therefore, recommend that to provide necessary and adequate chances and opportunities of promotion to the members of Backward Classes, Scheduled Castes, Scheduled Tribes, the age of superannuation, in their case, be extended by five years.

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19. RESERVATION TO SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES IN PRIVATE INDUSTRIES, BANKS ETC. ETC.

Reservations to Backward Classes, Scheduled Castes and Scheduled Tribes be made not only in Government services, but also in employment under public or semi-Government undertakings, private educational institutions receiving aid from the State, statutory or non-statutory Corporations. Boards, Committees, etc., Central Government Undertakings, Private undertakings, Nationalised Banks, etc. Private undertakings and financial institutions having their establishments or offices in the State, and who require aid or assistance from the State Government in one form or the other, in small or large measure, should be directed to make reservations to Backward Classes, Scheduled Castes, and Scheduled Tribes in the said proportion at all levels. Denial or failure should disentitle them to the facilities granted or co-operation extended in any form.

(Page 213).

20. REVISION OF LISTS OF SCHEDULED CASTES AND SCHEDULED TRIBES.

The 1961 Census collected population and other particulars relating to Scheduled Castes and Scheduled Tribes, perhaps because of a provision in the States Reorganisation Act of 1956. The Commissi noticed that the Census Report of 1961 did not contain the population figures of all castes and tribes specified by the President of India under 341 and 342. While the said lists refer to the existence of castes and tribes in the State, the Census authorities should have made efforts to ascertain the population of every caste and tribe. From this it could be said that even the few enumerated Scheduled Castes and Scheduled Tribes in the Census Report do not appear to have been wholly covered as respects their exact population, and so, the Scheduled Castes and Scheduled Tribes have been deprived of their adequate share in all fields, proportionate to their population, including their legitimate share of participation at all levels of political and democratic institutions. The actual population of Scheduled Castes and Scheduled Tribes appears to be much more than what is returned at the Census.

(Page 324 & 325).

Although the terms of reference by which out Commission came to be appointed do not authorise our Commission to make a venture of suggesting the revision of lists of Scheduled Castes and Scheduled Tribes, we feel that we are justified in recommending to the State Government that it should, in turn, recommend to the Union Government for immediate revision of the lists of Scheduled Castes and Scheduled Tribes and for uniform list of Scheduled Castes/Tribes applicable to the entire State. The Commission also recommends that in the ensuing Census effort should be made for ascertaining the exact population of all the castes and tribes specified in the Schedules under Articles 341 and 342.

(Page 325).

Cond:

Consequently, the Central Government have failed in their fundamental duty in regard to backward classes, and the required measures have not been implemented to uplift them. Efforts should be made by the Legislators to get the subject of 'Census' transferred from the Union to the State List, if the Union Government does not collect caste particulars.

(Page 339).

21. REVIEW AFTER 10 YEARS.

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Reservation and method of implementing it should continue for at least 10 years the position should be reviewed. (P.318)

22. SCHOOL ADMISSION REGISTERS TO CONTAIN CASTE-COUMN.

...

Primary schools and other educational institutions should be directed to include a column in the Admission Register relating to the caste of the student. Similarly, the Heads of Departments should also be directed to enter the caste of the employee. (P.318)

23. SUFFICIENT NUMBER OF FREE HOSTELS FOR STUDENTS.

...

Sufficient number of free hostels should be started at least one in every village where there is a Panchayat, and in every town having a college. Students should be admitted to the free boarding and lodging hostels in the proportion stated above, provided the income of the parents of the students of the 'Backward Classes' is below Rs.6,000 per annum. (P.318)

24. RESERVATION IN POST-GRADUATE COURSES OF STUDY.

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Reservation should also be made in the Post-graduate

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courses and Research Institutions. Scholarships to 100 students per year should be given in the proportion stated above to the three categories of 'Backward Classes' to go abroad for higher and specialised studies in Medicine, Engineering, Agriculture and other technical courses. (P.318-19)

25. ADEQUATE SCHOLARSHIP-GRANT OF.

...

Those who do not get admission into free hostels should be given adequate scholarship to be determined periodically. (P-319)

26. EXEMPTION FROM ~~PAYMENT OF TUITION~~ FEES.

...

Students whose parents' income is less than Rs.6000 peraannum should be exempted from payment of tuition and examination fees at all levels of education. (P.319)

27. BACKWARD CLASSES ADVISORY BOARD - CONSTITUTION OF.

...

Government should constitute a 'Backward Classes Advisory Board', and the membership should be confined to the said three categories of Backward Classes. (P.319)

28. DIRECTORATE FOR BACKWARD CLASSES.

...

A separate Directorate for Backward Classes should be established to look after the effective implementation of the measures intended for them. A Minister of Cabinet rank should independently hold the portfolio relating to Backward Classes. (P.319)

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29. FINANCE CORPORATION FOR BACKWARD CLASSES.

A Finance Corporation similar to the one incorporated for the economic upliftment of the Scheduled Castes and Scheduled Tribes be incorporated for the economic upliftment of the Backward Classes. (P.319)

30. ESTABLISH-MENT OF RESEARCH INSTITUTION.

Government should establish a Research Institute for studying the problems of Scheduled Castes, Scheduled Tribes and Backward Classes and for suggesting measures for the upliftment of those classes. (P.319)

31. SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES BENEFICIRIES TO BE TAXED 10% OF THEIR GROSS INCOME.

Backward classes, Scheduled Castes and Scheduled Tribes should developed a spirit of self-help and those who get the benefit on the ground of their caste should make free contribution of 10 per cent of their income to the proposed Finance Corporation, so that the money so released could be utilised for payment of Scholarships, Free Studentship etc., to students belonging to those classes. The funds so realised could be utilised for economic improvement of those classes. (P.319)

32. CENSUS WITH CASTE PARTICULARS.

We, therefore, recommend to the State Government that in the event of the Union Government not conducting census in the above manner, the State Government should direct its various departments like the Social Welfare Department and the Bureau of Economics and Statistics to collect and compile the said information. In addition, we suggest that the State Government should start Research Institutions, and encourage by liberal assistance, Universities or private institutions undertaking such investigation. However, care should be taken to see that sociologists and economists of repute are entrusted with the job.

33. OPENING OF TUTORIAL INSTITUTIONS FOR PREPARING CANDIDATES OF SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES TO COMPETE WITH CANDIDATES OF ADVANCED COMMUNITIES.

Tutorial institutions be started, or coaching facilities in all Universities provded, for candidates belonging to Backward Classes, Scheduled Castes and Scheduled Tribes preparing them to successfully compete with the members of the advanced classes at the recruitment examinations.

(Page 213).

This, in the long run, will help reducing the quota of reservation or its total abolition.

(Page 213).

34. INTRODUCTION OF PROHIBITION
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Failure on the part of the State to introduce prohibition is due to the 'liquor interests' campaigning against prohibition. They encourage illicit distillation and pull wires to secure their objective.

(Page 344)

35. ECONOMIC BACKWARDNESS AND MEASURES FOR ITS REMOVAL - INTRODUCTION OF MEASURES FOR -
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1. Peasant committees.
2. Livestock.
3. Dairying.
4. Pig'ery.
5. Fisheries.
6. Agricultural labour.
7. Development of Industries.
8. Handloom industry.
9. Silk industry.
10. Sericulture.
11. Wool Spinning and weaving industry.
12. Village Oil Industry.
13. Pottery.
14. Bamboo and cane workers.
15. Paddy husking.
16. Coir industry.
17. Village Handicraft.
18. Khadi industry.
19. Service communities.
20. Wandering and begging communities.
21. Public Health, Rural Housing and Rural Water Supply,

(Pages 346-351).

36. REFERENCE TO PRESIDENT OF INDIA UNDER ART.143.
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We hope the confusion and indefiniteness created by the conflicting, inconsistent, vague and contradictory judgments on Backward Classes will be cleared by the judiciary once and for all so that the States could devise plans with definiteness and certainty for the social and economic improvement of the hitherto neglected backward classes. We accordingly recommend to the State Government to request the President of India for making a reference to the Supreme Court under Article 143 for resolving all the controversies.

(Page 153).

37. MUSLIMS

Muslims in toto cannot be considered a backward class. The Commission has, however, treated some known and readily identifiable sections of Muslims as backward classes who are declared by the Government either as Denotified Tribes or as Nomadic Tribes. The inclusion of those tribes in the list of "Backward Tribes" is because of the ruling of the Supreme Court in Balaji case (A.I.R. 1963 SC 649). (P.321)

Muslims as a religious minority could be treated as a religious group for purposes of reservation in educational institutions and representation in Government services under Article 14. We, therefore, recommend that Muslims be treated as a special group on grounds of their religion and language under Article 14, and facilities extended to them also. However, reservation in educational institutions and Government services should not exceed 6 percent. (P.321)

38. CLASSIFICATION OF MUSLIMS UNDER ARTICLE 14 AND RESERVATION TO THEM IN EDUCATIONAL INSTITUTIONS AND IN SERVICES.

Muslims in toto cannot be considered to be 'socially backward' in the conventional sense known to Hindu society. Their evidence before the Commission is also to the same effect. They blamed their representatives on the Constituent Assembly for the ineffective role they played. (Page 185)

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The Commission has categorised only such of the Hindu castes and communities as educationally backward, whose student average of passing SSLC in 1972 is below the State average. Muslim student average at the said examination is, no doubt, below the State average, and therefore they are, as a community, educationally not advanced. In view of the fact that the Constituent Assembly did not think of religious minorities as coming within the meaning of the expression 'Backward Classes', our Commission cannot designate them as educationally a 'backward class'. So far as the social level of the Muslim community is concerned, applying the economic test, it is also in a way improverished compared with the Hindu castes which the Commission has treated as socially and economically backward. (Page 185)

Our Commission has treated about 45 percent of the State population, besides about 14 percent population of the Scheduled Castes and Scheduled Tribes, as socially and educationally backward classes for purposes of Article 15 (4), and still less for purposes of Article 16 (4). Muslims in Karnataka constitute about 10-63 percent. The percentage of Hindu population in our State being 86, about 51 percent of the Hindu population is treated backward. Here again, reservation forabout 51 percent of the Hindu population is only 32 percent.

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Therefore, in the event of Muslims being classified as a separate category under Article ~~xx~~ 14 for purposes of reservation in educational institutions and government services, (we make clear that such reservation cannot fall within the scope of clause 4 of Article 15 and clause 4 of Article 16), the maximum reservation to the muslim community could be about 6 percent. We have already included some Muslim tribes in the list of Backward tribes. (page 186)

If the claim of the Muslims that their entire community should be treated 'backward' and adequate reservation in educational institutions and Government services proportionate to their population be made is to be accepted on similar arguments, the entire Hindu community of 86 percent may justifiably claim backwardness with ~~reservation~~ to the extent of 86 per cent. Therefore, the Commission recommends that as could be ~~done~~ in the case of Hindu Backward Classes under Article 15(4) and 16(4), benefits could be extended to Muslims to the extent of 6 per cent by classifying them as a religious minority under Article 14. After realising that Muslims do not come within the meaning of the term Backward classes, except the known and readily distinguishable groups among them, whom the Commission has treated as Backward ~~xxxxx~~ Tribes, Muslim leaders requested the Commission to recommend to the State Government to strive for constitutional amendment.

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Our Commission does not consider that amendment to the Constitution is necessary in view of the latest judgment of the Supreme Court referred to above. (Page 186)

The Commission also found that representation of Muslims in services is gradually decreasing. They do not have adequate representation. Their grievance that after Independence their educational level and representation in services is declining appears to be genuine. We, therefore, recommend to the Government to treat Muslims as a religious minority deserving reservation in educational institutions and Government services. The classification of Muslims as a distinct and separate category seems permissible under Article 14. The Commission recommends that, in that event, reservation to Muslims should not exceed 6 percent.

(Pages 186 - 87)

39. CHRISTIANS.

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Christians' educational level is sufficiently higher than the State average. Their representation in services is also more than adequate. They too in toto do not come within the meaning of the expression 'Backward Classes'. The representatives of the Christian community claim benefits for the Untouchable converts to Christian community. It is not possible to ascertain which of the Untouchable castes have embraced Christianity and at what point of time. It is not possible to ascertain their population. The Church authorities also have not maintained the cas te origin of the entrants to Christianity. Official records like the Birth and Death Registers, Admission Registers maintained in Schools and Colleges and Service Registers of employees too do not mention the caste origin of the converts to Christianity. In the course of the socio-economic survey conducted by the Commission, not one Christian has disclosed his or her original caste identity, though specific open-ended questions were prescribed.

(P.321)

The representatives of the Christian Community produced the correspondence they had made with the Union Government. They also produced Orders passed by some State Governments which have treated the Untouchable converts to Christianity as a 'Backward Class'. Some of the Orders produced by them show that the Untouchable converts to Christianity were treated as a 'Backward

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Class' (?) for purposes of certain educational concessions like freeship, scholarship, exemption from payment of examination fee etc. That such concessions have been given to Untouchable converts to Christianity cannot be a guide or a model to our Commission. We are not aware of the circumstances prevailing in those States, and the material the other State Governments were having in their possession in respect of the untouchable converts to Christianity.

(P.321-22).

40. HARIJAN: CONVERTS TO CHRISTIANITY.

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The complaint of the representatives of the Christian community related also to the non-inclusion of the Untouchable converts to Christianity in the Presidential list of Scheduled Castes under Article 341. Their argument related mainly to the interpretation of Article 341, and of Article 366(24) where the expression 'Scheduled Castes' is defined. According to them, the said provisions of the Constitution do not speak of finding the Scheduled Castes only from among the Hindu castes. This argument on the part of the leaders of the Christian community has gained currency some time during the 1950s. The Government of India Act, 1935, defined the expression 'Scheduled Castes' as those Castes and Tribes who were formerly known as Depressed Classes. It also defined the Indian Christians. It is a known fact that the Depressed Classes consisted of only the Hindu untouchable castes. Literature on Depressed Classes or Scheduled Castes, particularly the debates in the Constituent Assembly, shows that

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the expression 'Scheduled Castes' includes only the untouchable Hindu Castes. The Note appended to the President's Order of 1950 made under Article 341 also makes the position clear. We are therefore, not convinced about the claim made by the representatives of the Christian community that Untouchable converts to Christianity should be included in the list of Scheduled Castes, nor the claim, in the absence of relevant material, that the Untouchable converts to Christianity be treated as 'Backward Classes'. Indeed, religious minorities and religious denominations as such, like Muslims, Christians, Jains, Parsees, Anglo-Indians do not come within the meaning of the expression 'Backward Classes'. We cannot also recommend their case for consideration under Article 14, because Christians as a community have made advancement in education and have more than adequate representation in services.

(Page 322).

41. HARIJAN CONVERTS CANNOT BE TREATED AS SCHEDULED CASTE.

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Therefore, we are not inclined to accept the argument that the expression 'Scheduled Castes' could also include non-Hindu groups. That the list of Scheduled Castes includes some touchable castes cannot be a ground for inclusion of Scheduled Caste converts to Christianity in the list under Article 341. Inclusion of touchable castes in the list either by inadvertence or otherwise, calls for an immediate measure for their exclusion.

(Page 265).

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42. HARIJAN CONVERTS TO CHRISTIANITY - NEED FOR FURTHER INVESTIGATION.

So far as Christians are concerned, the evidence related to the case of Harijan converts to Christianity. The Commission found it difficult to ascertain the population of Harijan converts to decide their educational, economic and other backwardness.

(Page 264).

Hindu castes whose population figures were not ascertainable are not treated backward classes for the same reason. List of Hindu castes without population is at Statement 4, List III in Volume II. We suggest that further investigation be made by a separate agency to ascertain not only from the Hindu community but also from the Muslim and Christian communities, if there are any groups which could be treated backward though their population cannot be ascertained.

(Page 264).

43. VEERASHAIVA - SOME SECTIONS ARE BACKWARD.

The Commission does accept the statement of the Veerashaiva Association that "within the same community there exist side-by-side various sections of people with varying degrees of backwardness-socia educational and economic". Having accepted that the entire community cannot be taken as a unit to be considered backward or forward, but only certain "sections" who would satisfy the test of "backwardness-social, educational and economi", the Commission has found out certain sections of Lingayats also socially, educationally and economically backward, such as barbers, washermen, oil-pressers, weavers, etc.

(Page 271).

44. BHUNTS EXCLUDED FROM VOKKALIGAS.

We, therefore, categories the Bhunts separately, they being a distinct castes, as was done by the Nagana Gowda Committee.

(Page 274).

45. NOMADIC AND CRIMINAL -- TRIBES.

The Nomadic and Denotified Tribes should be given facilities for leading a settled life. They should be encouraged to live in towns and villages so that they could gradually assimilate themselves in the society. Children of Denotified Tribes and Nomadic Tribes should be trained in basic education. Surplus land available as a result of introduction of land ceiling, and the Government land should be granted to the landless members of Nomadic and Denotified Tribes, as is done in the case of Scheduled Castes and Scheduled Tribes.

(Page 324).

A Finance Corporation similar to the one created for the economic advancement of the Scheduled Castes and Scheduled Tribes should be created separately for the benefit of Nomadic and Denotified Tribes.

(Page 324).

46. SPECIAL PROVISION FOR WOMEN - UNIFORM CIVIL CODE.

There are peculiar problems associated with women in general. Our Commission could only suggest to the Government for appointing a Commission under Article 15(3) exclusively for women for studying their problems and to make recommendations as to the steps that should be taken for ameliorating the difficulties under which they labour on grounds of their religion, race and caste, besides the common ground of their sex.

(Page 275).

We are of the opinion that, among other measures, the securing of a uniform civil code will liberate women from the bondage of legal and customary restrictions and social taboos. The enlightened members of all communities should strive for such a Civil Code.

(Page 275).

The implementation of the directives contained in Article 39(a), (d) and (e) could also improve economic and living conditions. Accordingly, we make a recommendation to the State Government that the provisions of Article 39(a) and (e) be implemented with special reference to women. (P.323)

47. WOMEN - ECONOMIC AND EDUCATIONAL ADVANCEMENT.

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We fully agree with the opinion of the President-appointed Backward Classes Commission. Measures intended for the economic and educational upliftment of women should be confined to the women of the agricultural communities, artisan and occupational communities and of the Scheduled Castes/Tribes. Further, such measures should be confined to the women of the rural areas belonging to these communities. (P.323)

Education at all stages should be made free to girls belonging to classes who have been treated as backward by us and also to girls belonging to the Scheduled Castes and Scheduled Tribes, irrespective of the income of their parents. So far as girls belonging to the advanced castes and communities are concerned, encouragement in the form of scholarship and free-studentship should be given where the parents' income is less than Rs.6,000/- per annum.

Residential hostel facilities should be provided for girls belonging to the backward classes. Sufficient number of seats be reserved for girls belonging to the backward classes in colleges and institutions of higher learning, including Medical, Engineering and Home Science Colleges, and in Schools which train students in Fine Arts, Social Service, Nursing etc. (P.323)